

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY MILLER,

Plaintiff,

vs.

COUNTY OF MONROE, et al.,

Defendants.

AMENDED
SCHEDULING ORDER
22-CV-6069 FPG/MJP

The parties having filed a joint motion (ECF No. 18) for an extension of time on certain deadlines contained in the Court's previously issued scheduling order, it is

ORDERED that:

1. A status conference is scheduled before the undersigned on **April 26, 2023 at 1:00 p.m.**
2. Mediation deadlines for set as follows:
 - a. The initial mediation session shall be held by **July 31, 2023.**
 - b. The referral to mediation shall terminate on **September 28, 2023.**

In the event that settlement is not reached, the case will progress towards trial, as scheduled below.

- c. The referral of this case to mediation will not delay or defer other dates contained in this Scheduling Order and has no effect on the progress of the case toward trial
3. The deadline for mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure, as well as any objections to the mandatory disclosure requirements, has passed.
4. All motions to join other parties and to amend the pleadings shall be filed on or before **April 1, 2023**. Any third party action shall be commenced on or before **April 1, 2023**.
5. All factual discovery in this case shall be completed on or before **June 1, 2023**. All motions to compel discovery shall be filed by **May 4, 2023**.
6. Plaintiffs shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **July 31, 2023**. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **September 5, 2023**. All parties shall complete all discovery relating to experts, including depositions, by **October 4, 2023**.
7. Dispositive motions, if any, shall be filed no later than **November 6, 2023**. Unless a consent to proceed before this Court is filed, such motions shall be made returnable before Judge Geraci.
8. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions.

If no dispositive motions are filed, counsel shall immediately contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- a. Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- b. Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- c. Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- d. Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

9. Requests to extend the above cut-off dates may be granted upon written application, made prior to the cutoff date, and showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.
10. The Court requires that should any discovery dispute arise between the parties that a letter be sent to the Court detailing the dispute prior to any motion practice.

SO ORDERED.

DATED: February 16, 2023
Rochester, New York

/s/ Mark W. Pedersen
MARK W. PEDERSEN
United States Magistrate Judge